

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ONLY AL-KHIDHR

PLAINTIFF

CIVIL ACTION NO.: 1:07cv1223LG-RHW

VERSUS

**HARRISON COUNTY, MISSISSIPPI BY AND
THROUGH ITS BOARD OF SUPERVISORS;
HARRISON COUNTY SHERIFF GEORGE PAYNE,
IN HIS OFFICIAL CAPACITY;
SUPERVISOR OF BOOKING CAPTAIN RICK GASTON,
acting under color of state law,
CORRECTIONS OFFICER MORGAN THOMPSON,
acting under color of state law, CORRECTIONS OFFICER
THOMAS MOORE, acting under color of state law.**

DEFENDANTS

**SUPPLEMENTAL MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION
FOR SANCTIONS**

COMES now Defendants Gaston and Thompson, by and through their undersigned counsel, and file this, their supplemental motion to dismiss, or in the alternative, motion for sanctions, and would show as follows:

1. Gaston and Thompson's authorities and arguments are set forth more fully in the accompanying memorandum in support of supplemental motion to dismiss, or in the alternative, motion for sanctions.
2. In support of the instant motion, Gaston and Thompson submit the following exhibits, to wit:
 - A. Exhibit "A" - Copy of IME Order;
 - B. Exhibit "B" - Affidavit of Dr. Culver.

WHEREFORE, premises considered, Gaston and Thompson respectfully submit that the Plaintiff's case should be dismissed pursuant to Fed. R. Civ. P. 41(b) or Fed. R. Civ. P. 37(b)(2),

or in the alternative, that the Plaintiff be sanctioned as set forth more fully above, along with any other appropriate relief in the premises.

RESPECTFULLY SUBMITTED this 12th day of August, 2010.

MORGAN THOMPSON and RICK
GASTON,
Defendants

BY: /s/ IAN A. BRENDEL
JAMES L. DAVIS, III
IAN A. BRENDEL
Attorneys for Defendants

CERTIFICATE OF SERVICE

I, IAN A. BRENDEL, attorney at law, do hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF filing system, and the same has been electronically transmitted to:

Alvin Chase, Esq.
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THIS the 12th day of August, 2010

/s/ IAN A. BRENDEL

IAN A. BRENDEL

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